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City of Milledgeville v. Primus

Court of Appeals of Georgia - December 19, 2013 - S.E.2d - 2013 WL 6670761

Corrections officer, who allegedly was injured in accident after brake line on city transport bus that he was driving ruptured, sued city for negligence. The Superior Court denied city's motion for summary judgment on ground of sovereign immunity. City sought interlocutory appeal, which was granted.

The Court of Appeals held that decision whether to replace brake line on bus was discretionary act falling within city's sovereign immunity.

There was no standard replacement schedule for brake line, which was lifelong vehicle part that was not typically replaced, such that mechanics would replace brake line only if, in the exercise of their judgment, they saw some reason to do so. City did not fail to follow specific rule, procedure, or law or otherwise deviate from clear standard for performing its inspection of bus.